

ASSEMBLY BILL

No. 1407

Introduced by Assembly Member Lieu

February 23, 2007

An act to amend Section 830.7 of the Penal Code, relating to powers of arrest.

LEGISLATIVE COUNSEL'S DIGEST

AB 1407, as introduced, Lieu. Powers of arrest.

Existing law provides that certain persons are not peace officers but may exercise certain powers of arrest of a peace officer during the course and within the scope of their employment, if they receive specified training.

This bill would include within those provisions, persons regularly employed by the fire department of the City of Redondo Beach, who are designated as harbor patrol officers, harbor patrol sergeants, or deputy harbor patrol masters and authorized by local ordinance to enforce laws related to the preservation of peace in or about the properties owned, controlled, operated, or administered by any department of the City of Redondo Beach and authorized by a memorandum of understanding with the Chief of Police of the City of Redondo Beach permitting the exercise of that authority.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 830.7 of the Penal Code is amended to
2 read:

1 830.7. The following persons are not peace officers but may
2 exercise the powers of arrest of a peace officer as specified in
3 Section 836 during the course and within the scope of their
4 employment, if they successfully complete a course in the exercise
5 of those powers pursuant to Section 832:

6 (a) Persons designated by a cemetery authority pursuant to
7 Section 8325 of the Health and Safety Code.

8 (b) Persons regularly employed as security officers for
9 independent institutions of higher education, recognized under
10 subdivision (b) of Section 66010 of the Education Code, if the
11 institution has concluded a memorandum of understanding,
12 permitting the exercise of that authority, with the sheriff or the
13 chief of police within whose jurisdiction the institution lies.

14 (c) Persons regularly employed as security officers for health
15 facilities, as defined in Section 1250 of the Health and Safety Code,
16 that are owned and operated by cities, counties, and cities and
17 counties, if the facility has concluded a memorandum of
18 understanding, permitting the exercise of that authority, with the
19 sheriff or the chief of police within whose jurisdiction the facility
20 lies.

21 (d) Employees or classes of employees of the California
22 Department of Forestry and Fire Protection designated by the
23 Director of Forestry and Fire Protection, provided that the primary
24 duty of the employee shall be the enforcement of the law as that
25 duty is set forth in Section 4156 of the Public Resources Code.

26 (e) Persons regularly employed as inspectors, supervisors, or
27 security officers for transit districts, as defined in Section 99213
28 of the Public Utilities Code, if the district has concluded a
29 memorandum of understanding permitting the exercise of that
30 authority, with, as applicable, the sheriff, the chief of police, or
31 the Department of the California Highway Patrol within whose
32 jurisdiction the district lies. For the purposes of this subdivision,
33 the exercise of peace officer authority may include the authority
34 to remove a vehicle from a railroad right-of-way as set forth in
35 Section 22656 of the Vehicle Code.

36 (f) Nonpeace officers regularly employed as county parole
37 officers pursuant to Section 3089.

38 (g) Persons appointed by the Executive Director of the California
39 Science Center pursuant to Section 4108 of the Food and
40 Agricultural Code.

(h) Persons regularly employed as investigators by the Department of Transportation for the City of Los Angeles and designated by local ordinance as public officers, to the extent necessary to enforce laws related to public transportation, and authorized by a memorandum of understanding with the chief of police, permitting the exercise of that authority. For the purposes of this subdivision, “investigator” means an employee defined in Section 53075.61 of the Government Code authorized by local ordinance to enforce laws related to public transportation. Transportation investigators authorized by this section shall not be deemed “peace officers” for purposes of Sections 241 and 243.

(i) Persons regularly employed by any department of the City of Los Angeles who are designated as security officers and authorized by local ordinance to enforce laws related to the preservation of peace in or about the properties owned, controlled, operated, or administered by any department of the City of Los Angeles and authorized by a memorandum of understanding with the Chief of Police of the City of Los Angeles permitting the exercise of that authority. Security officers authorized pursuant to this subdivision shall not be deemed peace officers for purposes of Sections 241 and 243.

(j) Persons regularly employed by the fire department of the City of Redondo Beach who are designated as harbor patrol officers, harbor patrol sergeants, or deputy harbor patrol masters and authorized by local ordinance to enforce laws related to the preservation of peace in or about the properties owned, controlled, operated, or administered by any department of the City of Redondo Beach and authorized by a memorandum of understanding with the Chief of Police of the City of Redondo Beach permitting the exercise of that authority. Harbor patrol officers, harbor patrol sergeants, or deputy harbor patrol masters authorized pursuant to this subdivision shall not be deemed peace officers for purposes of Sections 241 and 243.

(j)

(k) Illegal dumping enforcement officers, to the extent necessary to enforce laws related to illegal waste dumping, or littering, and authorized by a memorandum of understanding with, as applicable, the sheriff or chief of police within whose jurisdiction the person is employed, permitting the exercise of that authority. An “illegal dumping enforcement officer” is defined, for purposes of this

1 section, as a person regularly employed by a city, county, or city
2 and county, whose duties include illegal dumping enforcement
3 and is designated by local ordinance as a public officer. No person
4 may be appointed as an illegal dumping enforcement officer if that
5 person is disqualified pursuant to the criteria set forth in Section
6 1029 of the Government Code.

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